



UNIVERSITY OF TORONTO  
FACULTY OF LAW

BORA LASKIN LAW LIBRARY



3 1761 09565851 4

**Crime and Punishment:**  
*Mandatory Minimums, the Death  
Penalty and Other Current Debates*

**(Volume 2 of 3)**

**Nader R. Hasan**

**Fall 2014**

**STORAGE**

K  
5103  
.H38  
2014  
v.2  
c.1

BORA LASKIN LAW LIBRARY

AUG 27 2014

FACULTY OF LAW  
UNIVERSITY OF TORONTO

**Crime and Punishment:**  
*Mandatory Minimums, the Death  
Penalty and Other Current Debates*

**(Volume 2 of 3)**

**Nader R. Hasan**

**Fall 2014**



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

[https://archive.org/details/crimepunishmentm02hasa\\_3](https://archive.org/details/crimepunishmentm02hasa_3)

## **VOLUME I**

### **Crime and Punishment: An Introduction (Week 1)**

1	<i>R. v. Latimer</i> , [2001] 1 S.C.R. 3 .....	1
2	<i>Criminal Code</i> , (R.S., 1985, c. C-46), s. 718 et seq.....	11

### **The Principle of Proportionality and Criminal Sentencing in Canada and the United States (Week 2)**

3	<i>R v. Arcand</i> , [2010] A.J. No. 1383 (Alta. C.A.) .....	25
4	<i>R. v. Pham</i> , 2013 S.C.C. 15 .....	39
5	<i>R. v. Gardiner</i> , [1982] 2 S.C.R. 368 .....	51
6	<i>Blakely v. Washington</i> , 542 U.S. 296 (2004) .....	63

### **Mandatory Minimums and Three Strikes Laws (Weeks 3-4)**

7	<i>R. v. Smith</i> , [1987] 1 S.C.R. 1045 .....	93
8	<i>Rummel v. Estelle</i> , 445 U.S. 263 (1980) .....	137
9	<i>Ewing v. California</i> , 538 U.S. 11 (2003) .....	169
10	<i>R. v. Smickle</i> , 2012 O.N.S.C. 602 .....	193
11	<i>R. v. Nur</i> , 2011 O.N.S.C. 4874 .....	235
12	<i>R. v. Nur</i> , 2013 ONCA 677 .....	279
13	<i>R. v. Nasogaluak</i> , [2010] S.C.J. 6 .....	319

### **Conditions of Confinement (Week 5)**

14	<i>Farmer v. Brennan</i> , 511 U.S. 825 (1994) .....	345
15	<i>Brown v. Plata</i> , 131 S. Ct. 1910 (2011) .....	361
16	<i>Be'er Sheva Prison Case</i> .....	387

## **VOLUME II**

### **Race, Class and the Prison Industrial Complex (Weeks 6-7)**

#### **(i) *Race and Bias in Criminal Sentencing* (Week 6)**

17	<i>R. v. Gladue</i> , [1999] 1 S.C.R. 688 .....	415
----	---	-----



18	<i>R. v. Hamilton</i> , [2004] O.J. No. 3252 (Ont. C.A.) .....	443
19	<i>R. v. Ipeelee</i> , 2012 S.C.C. 13 .....	475
20	Bruce Western and Becky Pettit, “Incarceration and Social Inequality” (Summer 2010) <i>Daedalus</i> .....	529
21	Adam Gopnik, “The Caging of America” (January 30, 2012), <i>New Yorker</i> .....	541
22	Mike Elk and Bob Sloan, “The Hidden History of ALEC and Prison Labor” (August 1, 2011), <i>The Nation</i> .....	555
23	Booth Gunter, “Investigation, Lawsuit Expose Barbaric Conditions at For-Profit Youth Prison” (May 3, 2011), <i>Southern Poverty Law Center</i> .....	559
24	David Shapiro, “Banking on Bondage: Private Prisons and Mass Incarceration” (November 2011) <i>American Civil Liberties Union</i> .....	567
<b>(ii) Voter Disenfranchisement Laws (Week 7)</b>		
25	<i>Sauvé v. Canada (Chief Electoral Officer)</i> , [2002] 3 S.C.R. 519 .....	625
26	<i>Richardson v. Ramirez</i> , 418 U.S. 24 (1974) .....	683
27	<i>Hunter v. Underwood</i> , 471 U.S. 222 (1985) .....	719

### **VOLUME III**

#### **Death Penalty (Week 8)**

28	<i>United States v. Burns</i> , [2001] 1 S.C.R. 283 .....	728
29	<i>Furman v. Georgia</i> , 408 U.S. 238 (1972) (Marshall, J., dissenting) .....	766
30	<i>Gregg v. Georgia</i> , 428 U.S. 153 (1976) .....	812
31	<i>Coker v. Georgia</i> , 433 U.S. 584 (1977) .....	864
32	<i>S. v. Makwanyane</i> , 1995 (3) SA 391 (S.A. Const. Ct.) .....	888
33	Equal Justice Initiative, <i>The Death Penalty in Alabama: Judge Override</i> .....	984

#### **Punishment of Children and the Cognitively Impaired (Week 9)**

34	<i>R. v. D.B.</i> , [2008] 2 S.C.R. 3 .....	1016
35	<i>Roper v. Simmons</i> , 543 U.S. 551 (2005) .....	1036
36	Laurence Steinberg & Elizabeth S. Scott, <i>Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility and the Juvenile Death Penalty</i> , 58 Am. Psychol. 1009, 1014 (2003) .....	1088

**Punishing White Collar Crime (Week 10)**

37	<i>R. v. Karigar</i> , 2014 ONSC 3093 .....	1098
38	<i>United States v. Rajaratnam</i> , 2012 U.S. Dist. LEXIS 14961 (S.D.N.Y. 2012).....	1108

**Victims' Rights (Week 11)**

39	David M. Paciocco, "Why Constitutionalization of Victims Rights Should Not Occur" (2004-05) 49 <i>Crim. L.Q.</i> 393 .....	1132
40	Robert P. Mosteller, "Victims' Rights", in 4 <i>Encyclopedia of Crime and Justice</i> 1639 (Joshua Dressler et al. eds., 2002) .....	1172
41	<i>McCleskey v. Kemp</i> , 481 U.S. 279 (1987) .....	1184
42	Randall Kennedy, " <i>McClesky v. Kemp</i> : Race, Capital Punishment, and the Supreme Court", (1988) 101 <i>Harv. L. Rev.</i> 1388.....	1240

